

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

EDWARD F. ST. JOHN,

Plaintiff,

v.

E. JEFFREY DONNER, M.D.,

Defendant.

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Case No.:

COMPLAINT

Plaintiff states:

I.

That he is a citizen of the State of Nebraska. That the Defendant, Jeffrey E. Donner (hereinafter referred to as “Donner”), is a citizen of the State of Colorado. That, at all times hereinafter mentioned, the Defendant Donner was a duly licensed and qualified physician to practice medicine in the State of Colorado having his office in Loveland, Larimer County, Colorado. Defendant is also licensed and does business and advertising in the State of Nebraska. That the amount in controversy (exclusive of interest and costs) is in excess of \$75,000.00.

II.

That the Defendant Donner, at all times material hereto, held himself out to the Plaintiff as a proper and qualified physician being board certified in the specialty field of Orthopedic Surgery. That this Defendant undertook to render proper medical care and treatment to Plaintiff at a remuneration and then and there it became the duty of the Defendant to exercise reasonable care to ensure Plaintiff obtained and received proper medical examination, diagnosis, treatment, care and attention.

III.

That on or about October 3, 2011, Plaintiff was admitted to Loveland Surgery Center in Loveland, Colorado by Defendant Donner with pre-operative diagnosis of multiple recurrent right LS-S1 herniated nucleus pulposus with intractable back and right leg pain. That on October 3, 2011, Defendant performed multiple surgical procedures to Plaintiff's back. Post surgery, Plaintiff suffered chronic pain in his left leg due to chronic radiculitis and neuropathic pain to ischemic causalgia and deep vein thrombosis (DVT) that was delayed in diagnosis.

IV.

That the Defendant Donner was negligent and committed medical malpractice on and to Plaintiff in one or more of the following particulars, to-wit:

- a) In failing to use proper care under the circumstances;
- b) In failing to conservatively treat Plaintiff's lumbar and leg pain;
- c) In failing to perform a proper pre-operative work-up;
- d) In failing to refer Plaintiff to a proper medical specialist;
- e) In performing unnecessary multiple procedures to Plaintiff's back;
- f) Improper placement of a metal plate and pedicle screws.
- g) In failing to timely diagnose and treat Plaintiff's post-operative pain;
- h) In failing to timely diagnose and treat Plaintiff's post-operative DVT; and
- i) In failing to obtain a proper informed consent from Plaintiff.

V.

That a direct and proximate result of the negligence and malpractice of the Defendant, Plaintiff was seriously and permanently injured. That he has suffered severe and excruciating physical pain, mental anguish and emotional stress and severe shock to the nervous system as a

result of these injuries. That all of these injuries are permanent in nature. That he has suffered, now suffers and will in the future continue to suffer great and excruciating permanent physical pain, mental anguish and emotional distress. That he has been forced to expend sums of money for medical treatment and medication for these injuries and will be required to do so in the future. That these injuries have permanently impaired his earning capacity and have caused him a loss of past and future income.

WHEREFORE, Plaintiff prays for judgment against the Defendant in the amount of Two Million dollars (\$2,000,000.00), together with his costs herein expended and for such other and further relief as the Court may deem just and equitable under the circumstances.

EDWARD F. ST. JOHN, Plaintiff,

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